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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,	)	Case No.: 2:17-cr-00180-JAD-PAL
	)	
Plaintiff,	)	STIPULATION TO CONTINUE
	)	GOVERNMENT'S RESPONSE TO
vs.	)	DEFENDANT'S MOTION TO
	)	SUPPRESS (ECF No. 203) – <u>Third</u>
EVERLY JAMES,	)	<u>Request</u>
	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre, Acting United States Attorney; and Cristina D. Silva, Assistant United States Attorneys, counsel for the United States of America, and Christopher Oram, Esq., counsel for defendant EVERLY JAMES, for the reasons set forth herein, that the Government's response to defendant's motion to suppress (ECF No. 203), currently due on December 21, 2017, be continued for two (2) weeks for the following reasons:

1. Counsel for the Government provided the Defendant with additional

1 evidence that extends the currently charged conspiracy. Counsel for the Defendant  
2 needs additional time to review the discovery and discuss it with his client.

3 2. Defendant's counsel recently completed a lengthy homicide trial in the  
4 State of Nevada. As a result, the counsel for the Defendant needs additional time to  
5 discuss the new discovery with his client because it may impact resolving the case.  
6 Also, because of the same trial, the counsel for both parties were only recently able  
7 to meet and discuss the new discovery, as well as engage in plea negotiations.

8 3. The defendant is in custody and but does not object to a brief  
9 continuance.

10 4. Additionally, denial of this request for continuance could result in a  
11 miscarriage of justice because it will prevent the Defendant from receiving and  
12 reviewing additional information with his counsel, and it could also deny the parties  
13 an opportunity to engage in more fulsome plea negotiations.

14 5. This is the third request for continue the response to the motion to  
15 suppress.  
16

17 DATED this 20th day of December, 2017.

18 STEVEN W. MYHRE  
Acting United States Attorney

19 /s/  
20 CRISTINA D. SILVA  
21 FRANK J. COUMOU  
Assistant United States Attorneys

22 /s/  
23 CHRISTOPHER ORAM, ESQ.  
Counsel for Defendant James  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EVERLY JAMES,

Defendant.

Case No.: 2:17-cr-00180-JAD-PAL

**ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the Government provided the Defendant with additional evidence that extends the currently charged conspiracy. Counsel for the Defendant needs additional time to review the discovery and discuss it with his client.

2. Defendant's counsel recently completed a lengthy homicide trial in the State of Nevada. As a result, the counsel for the Defendant needs additional time to discuss the new discovery with his client because it may impact resolving the case. Also, because of the same trial, the counsel for both parties were only recently able to meet and discuss the new discovery, as well as engage in plea negotiations.

3. The defendant is in custody and but does not object to a brief continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice because it will prevent the Defendant from receiving and

1 reviewing additional information with his counsel, and it could also deny the parties  
2 an opportunity to engage in more fulsome plea negotiations.

3 5. This is the third request for continue the response to the motion to  
4 suppress.

5 For all of the above-stated reasons, the end of justice would best be served  
6 by a two-week continuation of the deadline for the Government to file its response to  
7 the Defendant's Motion to Suppress (ECF No. 203).

8 ORDER

9 IT IS ORDERED that the Government's deadline to respond to the  
10 Defendant's motion to suppress, currently scheduled for December, 2017, be vacated  
11 and continued to January 8, 2018.

12 DATED this 4th day of January, 2018.

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15 THE HONORABLE PEGGY A. LEEN  
16 United States Magistrate Judge  
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